

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

|                                     |   |                                    |
|-------------------------------------|---|------------------------------------|
| ROLANDO RUIZ,                       | § |                                    |
| Petitioner,                         | § |                                    |
| v.                                  | § | Civil Action No. SA-03-CA-303-OG   |
|                                     | § | (District Judge Orlando L. Garcia) |
| RICK THALER,                        | § | * DEATH PENALTY CASE *             |
| Director, Texas Department          | § |                                    |
| of Criminal Justice,                | § | ECF                                |
| Correctional Institutions Division, | § |                                    |
| Respondent.                         | § |                                    |

RESPONDENT'S ADVISORY TO THE COURT

Following the evidentiary hearing held in this matter on November 2nd and 3rd of 2010, this Court issued an order striking the hearsay portion of Dr. Silverman's testimony and setting a date for the conclusion of the hearing. Docket Entry (DE) 141. In that order, the Court directed the parties to advise the Court of any additional witnesses or evidence they wish to present at the hearing now set for January 4, 2011. Id. at 17. In light of the Court's order, the undersigned believes that further testimony or evidence would not aid the Court in determining the merits of the issues at hand. Thus, because more testimony is unnecessary, the Director would like to advise the Court that he will not be presenting any witnesses to testify at the upcoming evidentiary hearing.

Respectfully submitted,

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s/ Jeremy Greenwell  
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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF CONFERENCE

I certify that on December 2, 2010, I contacted counsel for the petitioner, Kathryn M. Kase, by telephone to discuss with her the substance of the above advisory. Ms. Kase agreed that no new evidence needs to be presented in this case, and that the case should move forward to either post-hearing briefing or summary argument on the upcoming hearing date.

s/ Jeremy C. Greenwell  
JEREMY C. GREENWELL  
Assistant Attorney General

CERTIFICATE OF SERVICE

I certify that on the 2nd day of December, 2010, a true and correct copy of the above pleading was electronically served to the following counsel for Ruiz by filing the foregoing document with the Clerk of the Court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the court.

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s/ Jeremy Greenwell  
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